

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2020-275-S**

IN RE:)
Application of Condor Environmental,)
Inc., Requesting an Expansion of its)
Existing Sewer Service Area to Include)
Certain Portions of Anderson County)
and Saluda County and Approval of)
Agreement.)

**Petition to Intervene and Object to Expansion of
Sewer Service Area into Saluda County**

Pursuant to 26 S.C. Code Ann. Reg. 103-504 and 103-825, Saluda County Water and Sewer Authority (SCWSA) hereby petitions to intervene in the above captioned matter and objects to the proposed sewer service territorial expansion by Condor Environmental, Inc. (Condor) into Saluda County as set forth in the Application (supplemented and corrected) and in the Motion to Allow Service on a Provisional Basis. In support of its Petition, SCWSA respectfully submits as follows.

1. SCWSA is a special purpose district organized and existing pursuant to the laws of the state of South Carolina. SCWSA owns and operates a sewer system in all of Saluda County excluding any area within an incorporated municipality. *Act No. 115, General and Permanent Laws, 1070; S.C. Code Ann. § 6-11-320 (1976); Saluda County Ordinance No. 14-92 adopted January 11, 1993.* SCWSA is not subject to rate regulation by the Public Service Commission. *Act. No. 115, Sect. 8.* SCWSA is the wholesale and retail sewer service provider to those in Saluda County seeking sewer service.

2. Although in the past SCWSA collected sewer for treatment ultimately by the City of North Augusta, SCWSA is currently constructing a 4 MGD sewer plant, decommissioning the

Town of Saluda's sewer plant, furnishing wholesale sewer service to this Town's customers and continuing to provide wholesale sewer service to the Town of Ridge Spring. SCWSA also owns and operates a satellite sewer drain field called Bass Harbor with 20 taps. Bass Harbor is less than 2 miles as the crow flies from Palmetto Pointe.

3. Commencing November 2018 through February 2019, American Land Holdings, LLC (ALH), developer of Palmetto Pointe Subdivision, requested sewer service from SCWSA. SCWSA was willing to provide and capable of providing sewer service to Palmetto Pointe Subdivision even if the infrastructure consisted of septic tanks and a drain field. At the end of February 2019, ALH requested that the sewer service provisions in the willingness and capability letter be removed. SCWSA is the water provider to Palmetto Pointe Subdivision.

4. SCWSA is an interested utility with respect to the Application and the Motion. It was not served with either. SCWSA became aware of the Application and Motion on November 24, 2020, when Saluda County forwarded these pleadings to SCWSA. At a minimum, Condor should be required to publish a Notice of Filing in a newspaper of general circulation in Saluda County, to avoid any other interested parties being left in the dark.

5. SCWSA is a publicly owned treatment works with sewer service facilities in the area proposed to be served, *viz.*, Palmetto Pointe Subdivision. SCWSA objects to Condor extending sewer service into Saluda County. Because SCWSA has sewer service facilities in the area and objects to Condor serving the area, the Commission should deny the Application and the Motion with respect to Saluda County, including the Palmetto Pointe Subdivision, consistent with its precedent allowing expansion only when there are no other facilities in the area or the public utility consents to the provision of service by others. *See In re Application of UUC, Inc.*, 2003 WL 26624002 (S.C.P.S.C. 2003) (Proposed service area not served by public sewer utility, nor did

a governmental entity have sewer service facilities within the service area); *In re Application of Midlands Utility, Inc.*, 2007 WL 8447364 (S.C.P.S.C. 2007) (City of Cayce and ORS informed Commission neither had an objection to the extension of the service area).

6. This is also not an instance where the notice and hearing requirement should be bypassed under 26 S.C. Code Regs. 103-501(3). There is no unusual difficulty, or any other viable reason to utilize the waiver of a hearing here. SCWSA stands ready and able to serve Palmetto Pointe Subdivision, which is within its existing service area. It is contrary to the public interest to deny SCWSA its right to be heard on its objections to a private entity trying to take over a portion of SCWSA's designated service territory.

WHEREFORE, for the foregoing reasons, the Application and the Motion should be denied with respect to Saluda County, including the Palmetto Pointe Subdivision.

Charlotte, NC

DRISCOLL SHEEDY, P.A.

Date: 12/01/2020

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